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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/741,918      | 12/20/2000  | Ronaldus Maria Aarts | PHN 17,835          | 9606             |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

GRIER, LAURA A

ART UNIT PAPER NUMBER

2644

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/741,918

**Applicant(s)**

AARTS ET AL.

**Examiner**

Laura A Grier

**Art Unit**

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004 and 05 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)):
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. The indicated allowability of claims 2-4 is withdrawn.

### ***Drawings***

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-4, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyth and Davidson et al., U. S. Patent No. 6246345.

Regarding claim 1, Smyth discloses a multi-channel audio encoder. Smyth's disclosure comprises an encoder for enabling several audio signals to be coded and supplied in respect to different frequency bands on a frequency domain (col. 6, lines 45-50, 59-67 and figure 1 and 2), which reads on signal supply means; decoding means for enabling decoding and synthesis (filters) with a decoder which includes a demultiplexer that demultiplex or unpacks the coded data stream of combined audio signals having different frequency subbands into individual sub-bands, and reconstructed thereto (col. 6, lines 50-54, col. 7, lines 52-57, col. 9, lines 58-67 and figure 1 and 2), which reads on decoding and synthesizing. The sub-band combination circuits are inherently disclosed as evidence by the fact that the subband are recombined in the decoder to produce a signal PCM audio signal (col. 8, lines 24-34, 63 – col. 9, lines 1-4). However, Smyth fails to disclose the sub-band combination circuits providing an input in to a synthesis filter.

Regarding the input into a synthesis filter, Davidson et al. (herein, Davidson) discloses a synthesis filterbank (figure 2-reference 40 and col. 7, lines 40-45).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Smyth by providing a synthesis filterbank for the purpose of generating a signal efficient for output.

Regarding claims 2-4, respectively, Smyth discloses a multi-channel audio encoder. Smyth's disclosure comprises an encoder for enabling several audio signals to be coded and supplied in respect to different frequency bands on a frequency domain (col. 6, lines 45-50, 59-67 and figure 1 and 2), which reads on signal supply means;

decoding means for enabling decoding and synthesis (filters) with a decoder which includes a demulti-plexer that demultiplex or unpacks the coded data stream of combined audio signals having different frequency subbands into individual sub-bands, and reconstructed thereto (col. 6, lines 50-54, col. 7, lines 52-57, col. 9, lines 58-67 and figure 1 and 2), which reads on decoding and synthesizing. The sub-band combination circuits are inherently disclosed as evidence by the fact that the subband are recombined in the decoder to produce a signal PCM audio signal (col. 8, lines 24-34, 63 – col. 9, lines 1-4). However, Smyth fails to disclose the sub-band combination circuits providing an input in to a synthesis filter.

Regarding the input into a synthesis filter, Davidson discloses a synthesis filterbank (figure 2-reference 40 an col. 7, lines 40-45).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Smyth by providing a synthesis filterbank for the purpose of generating a signal efficient for output.

Further, Smyth and Davidson fail to disclose additional filters positioned between the combination circuits and the synthesis or as claimed. The examiner takes official notice the various use of filters were well known in the art. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Smyth and Davidson by implementing filters as desired in specific locations for the purpose of filtering unwanted characteristics from the signal that may have resulted from the prior process of the signal to ensure optimal performance and audio output.

***Allowable Subject Matter***

6. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

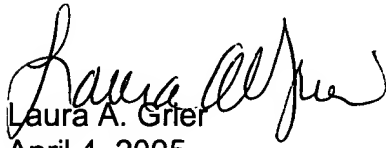
The applicant's argument is essentially directed to the Smyth reference failing to disclose an input from the combination circuit to the synthesis filter in respect to claim 1. A new reference of prior art has been applied to modify the Smyth reference that teaches combined signals of the decoding or deformatting stage of coding being applied to a synthesis filter bank prior to output. The Drawing objection as indicated in the previous office action is still maintained. The corrected and/or replacement drawing has not been submitted by the applicant.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (571) 272-7518. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura A. Grier  
April 4, 2005